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RECEIVED Of Counsel
H LaDon Baltimore

2005 AUG 17 PM 12:09

TRA DOCKET ROOM

August 17, 2005

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201

Re: Petition to Establish Generic Docket to Consider Amendments to Interconnection
Agreements Resulting From Changes of Law; Docket No. 04-00381

Dear Guy:

Please find enclosed XO Communications Services, Inc.'s First Set of Data Requests to
BellSouth Telecommunications, Inc. in the above-referenced docket.

If you have any questions, please contact me.

Sincerely,



H. LaDon Baltimore
Counsel for XO Communications Services, Inc

LDB/dcg
Enclosure

cc: TRA, Attn: Sharla Dillon
Dana Shaffer, Esq.
Interested Parties' Counsel of Record

BEFORE THE
TENNESSEE REGULATORY AUTHORITY

RECEIVED
2005 AUG 17 PM 12:09

IN RE:

PETITION TO ESTABLISH GENERIC
DOCKET TO CONSIDER AMENDMENTS
TO INTERCONNECTION AGREEMENTS
RESULTING FROM CHANGES OF LAW

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T.R.A. DOCKET ROOM
DOCKET NO. 04-00381

**XO COMMUNICATIONS SERVICES, INC.'S
FIRST SET OF DATA REQUESTS TO
BELL SOUTH TELECOMMUNICATIONS, INC.**

XO Communications Services, Inc. ("XO") hereby serves its First Set of Data Requests to BellSouth Telecommunications, Inc. ("BellSouth"). These interrogatories are to be answered under oath within the time frame required under applicable rules and orders governing discovery in this docket.

INSTRUCTIONS

1. Please answer each question separately and in the order that it is asked. The numbers of the answers should correspond to the number of the Data Request being answered. Following each answer, please identify the person or persons responsible for the answer and indicate what person or witness provided responsive information or documents, and where applicable, what witness will sponsor each answer in testimony.

2. In response to the data requests seeking the production of documents, please produce all responsive documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business and organize and label them to correspond to the categories in this request. If the requested documents are kept in an electronic format, you shall produce the requested documents in such format. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification, or addition to a document (whether in paper form or electronic), including any margin notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists,

drafts, revisions or redlines, each such alteration, modification or addition is to be considered a separate document.

3. In response to data requests requesting you to identify documents or other items, information or materials for disclosure, please identify the document(s) or other item(s), information or material(s) in sufficient detail. Such identification shall contain the number (and subpart, if applicable) of the data request requesting the identification and the page count or description of the document or item. Additionally, to the extent known, the listing shall include the author, publisher, title, date, and any "Bates" or other sequential production numbering for the document or item. Please produce copies of all documents, other items, information or materials that were identified in response to a data request.

4. Please produce the requested information at the most granular level you possess. If a data request seeks information at a level more granular than what you possess, please do not object or decline to answer or produce on that basis, but rather, state that you do not possess information at that level and produce the information requested at the most granular level that you possess. XO is not asking for the creation of brand new data, but is seeking all available data for the specific categories and sub-categories described.

5. Please produce all information requested on any table by filling in the table provided in these data requests. If additional explanation is required, please copy the question and provide your response below.

6. As used in these requests, the singular shall also be treated as plural and vice-versa. If you are unable to respond fully and completely to a document request, you shall explain the reasons why you are unable to do so. The terms defined above and the individual requests for information should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with all applicable laws and regulations.

7. This request is directed to all documents and information in your custody or control. A document is deemed to be in your custody or control if you have possession of the

document, have the right to secure such document or communication from another person having possession thereof, or the document or communication is reasonably available to you, including those documents or communications in the custody or control of your company's present employees, attorneys, agents, or other persons acting on its behalf and its affiliates. In response to requests for production of documents contained in these data requests, you shall produce the document, including all appendices, exhibits, schedules, and attachments, that is most relevant to the request.

8. If you are unable to produce a document or information based on a claim that the document is not in your custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.

9. These data requests are continuing in nature, and should there be a change in circumstances which would modify or change an answer supplied by your company, then in such case, you should change or modify such answer and submit such changed answer as a supplement to the original answer. Further, should a subsequent version(s) of a document have been created or exist as of the date of these data requests, such version(s) must be produced. Where prior versions or drafts of documents exist, please produce all such documents in your possession, custody or control.

10. XO requests that you answer these data requests under oath or stipulate in writing that the responses can be treated exactly as if they were filed under oath.

11. If you claim a privilege, or otherwise decline to produce or provide, any document or information responsive to one or more of the following categories, in addition to, and not in lieu of, any procedure that you must follow under law to preserve your objection(s) and/or privilege(s), within ten (10) days after receiving these data requests, the attorney asserting the privilege shall:

- a. identify in the objection to the data request, or sub-part thereof, detailed reasons for your claim of privilege or other basis for protecting the document or information from disclosure; and the nature of the privilege (including work product) that is being claimed; and
- b. provide the following information in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:
 - (i) for documents: (1) the type of document; (2) subject matter of the document; (3) the date of the document; (4) the number of pages in the document; (5) the location or custodian of the document; (6) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where available, the names(s), address(es) and telephone number of the author(s) of the document and all recipient(s), and, where not apparent, the relationship of the author and addressee to each other;
 - (ii) for oral communications: (1) the name(s), address(es) and phone number(s) of the person making the communication and the name(s), address(es) and phone number(s) of the persons present while the communication was made; (2) the relationship of the person(s) present to the person(s) making the communication; (3) the date and place of each communication; (4) the general subject matter of the communication.

12. In the event that any requested information is considered by you to be confidential, the attorney asserting such confidential status shall inform counsel for XO identified below of this designation as soon as he or she becomes aware of it, but in any event, prior to the time the responses to the data requests are due to discuss or negotiate a compromise. The

confidential documents however, should be produced pursuant to a protective order(s) and/or non-disclosure agreement(s) executed in this proceeding.

13. Answers to these requests for information are to be provided by the date set forth in the procedural schedule by the Commission. Service of responses, and all notifications, shall be made in person or by e-mail to the undersigned counsel.

DEFINITIONS

1. The term "analog" refers to electrical signals representing sound or data which are transmitted in a linear, non-digital format.

2. The acronym "CLEC" refers to competitive local exchange carriers.

3. The acronym "CLLI" refers to common language location identifier, an 11-character code generally comprised of numerals and letters that provides a unique identifier for circuit switches used by ILECs and CLECs.

4. The term "BellSouth" means BellSouth Telecommunications, Inc, and its affiliates.

5. The term "communication" includes, without limitation of its generality, correspondence, email, statements, agreements, contracts, reports, white papers, users guides, job aids, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio, electronic mail or the Internet.

6. The terms "cost study," "cost studies," "cost model" and "cost analyses" means the detailed development of a rate element or of rate elements through a methodology based upon engineering, operational, economic, accounting, or financial inputs, plus support for the sources of the inputs or support for the derivations of the inputs, that enables a person using the study, studies, model or analyses to start with the support for each input and to then trace the support to

the input, and to then be able to trace the input through the methodology to the resulting cost and then to the resulting rate element.

7. The term "document," as used herein, shall have the same meaning and scope as contained in Rule 34 of the Federal Rules of Civil Procedure, and shall include, without limitation, all written, reported, recorded, magnetic, graphic, photographic matter, however produced or reproduced, which is now, or was at any time, in the possession, custody, or control of your company and its affiliates including, but not limited to, all reports, memoranda, notes (including reports, memoranda, notes of telephone, email or oral conversations and conferences), financial reports, data records, letters, envelopes, telegrams, messages, electronic mail (e-mail), studies, analyses, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, accounts, pamphlets, pictures, films, maps, work papers, arithmetical computations, minutes of all communications of any type (including inter- and intra-office communications), purchase orders, invoices, statements of account, questionnaires, surveys, graphs, recordings, video or audio tapes, punch cards, magnetic tapes, discs, data cells, drums, printouts, records of any sort of meeting, invoices, diaries, and other data compilations from which information can be obtained, including drafts of the foregoing items and copies or reproductions of the foregoing upon which notations and writings have been made which do not appear on the originals.

8. The term "identify" or "identifying" means:

- a. When used in reference to natural persons: (1) full name; (2) last known address and telephone number, (3) whether the person is currently employed by, associated or affiliated with BellSouth; (4) that person's current or former position; and (5) dates of employment, association or affiliation.
- b. When used in reference to a document: (1) its author, (2) actual and intended recipient(s); (3) date of creation; and (4) brief description of its contents.

- c. When used in reference to a communication: (1) whether the communication was oral or written; (2) the identity of the communicator, (3) the person receiving the communication; and (4) the location of the communicator and the person receiving the information, if the communication was oral.

9. The term "ILEC" refers to incumbent local exchange carrier, and includes ILEC's parent or any subsidiary or affiliate and all current or former officers, directors, employees, agents, representatives, contractors or consultants of ILEC, as well as any persons or other entities who have acted or purported to act on its behalf.

10. The term "wire center" is synonymous with the term "central office," and refers to the single physical building that houses one or more Class 5/end office ILEC switch(es) and in which end user customer's loops are cross connected to the Class 5/end office ILEC switch(es).

11. The terms "you," "your," "yours," or "your company" means BellSouth Telecommunications, Inc. and its parent, affiliates, subsidiaries, officers, agents, attorneys, employees, representatives, agents, and consultants.

DATA REQUESTS

DATA REQUEST NO. 1: For each of columns cc, cd, ce, and ci of Table II and columns fc, fd, fe, fj, fk, and fm of Table III of FCC Report 43-08 and each of BellSouth's wire centers, please provide the wire center level data for such column that was used to determine the value reported in such column of BellSouth's FCC Report 43-08 for each of the calendar years 2003 and 2004. If available, please provide such data in Microsoft Excel format.

DATA REQUEST NO. 2: For each of columns cc, cd, ce, and ci of Table II and columns fc, fd, fe, fj, fk, and fm of Table III of FCC Report 43-08, state whether BellSouth used the wire center level data (either adjusted or non-adjusted) reported in such column in determining the number of business lines in each wire center and list and explain, in detail, any and all adjustments made to the data for each column.

DATA REQUEST NO. 3: Please describe in detail how BellSouth determined that each collocation arrangement that it identified as a fiber-based collocation has a non-incumbent LEC fiber optic cable that both terminates at the collocation facility and leaves the wire center.

DATA REQUEST NO. 4: Please identify by wire center and the name of the carrier each collocation arrangement that BellSouth identified as a “fiber-based collocation” using alternative transmission facilities other than fiber optic cable.

DATA REQUEST NO. 5: Please identify by wire center and the name of the carrier each collocation arrangement that BellSouth identified as a “fiber-based collocation” using fiber optic cable obtained from BellSouth on an IRU basis, and provide a copy of the IRU contract for each.

DATA REQUEST NO. 6: For each wire center in the BellSouth region, please identify the carriers that BellSouth determined had a fiber-based collocation in such wire center as of December 31, 2004 and, if different, on the date as of which the revised wire center data contained in Exhibit DW-2 to the Direct Testimony of David Wallis was determined.

DATA REQUEST NO. 7: Please identify and describe each occasion during the last five (5) years on which a BellSouth retail or special access customer was required to pay a nonrecurring charge for a network modification of any kind and indicate whether the customer was required to pay such nonrecurring charge prior to receiving service.

DATA REQUEST NO. 8: Please identify the wire centers “where the total count of NARS was more than the maximum line capacity of the high capacity loops identified by VUMXX USOCs” and provide the total counts of NARS and of high capacity loops in each such wire center.

DATA REQUEST NO. 9: Please describe the measures, if any, undertaken by BellSouth to verify or otherwise insure the accuracy of the data upon which its business line counts were based, both generally and specifically in light of your response to DATA REQUEST No. 7.

DATA REQUEST NO. 10: Please describe the measures, if any, undertaken by BellSouth to insure that unswitched high capacity data circuits provided to BellSouth retail and resale customers were not included in the wire center business line counts or, if applicable, describe how such circuits were treated in determining the total retail and resale business lines in each wire center.

DATA REQUEST NO. 11: For each of the last twenty-four (24) months, state the total dollar amounts and the percentage, based upon (a) dollar amount and (b) number of circuits, of BellSouth's total invoices to CLECs for UNE loops that were disputed by the CLEC.

DATA REQUEST NO. 12: Please identify all provisions in BellSouth's retail and wholesale tariffs that provide for different rates, terms or conditions for a tariffed service or other offering depending upon whether or not it is commingled with an unbundled network element.

DATA REQUEST NO. 13: For each wire center that BellSouth contends exceeds the FCC's nonimpairment threshold for DS1 loops, please identify the number of unbundled DS1 loops (including but not limited to loops that are part of EELs) provisioned by BellSouth to fulfill orders placed after March 10, 2005 and before the date on which BellSouth stopped accepting new UNE-P orders in that wire center.

DATA REQUEST NO. 14: For each wire center that BellSouth contends exceeds the FCC's nonimpairment threshold for DS3 loops, please identify the number of unbundled DS3 loops (including but not limited to loops that are part of EELs) provisioned by BellSouth to fulfill orders placed after March 10, 2005 and before the date on which BellSouth stopped accepting new UNE-P orders in that wire center.

DATA REQUEST NO. 15: Please provide copies of any and all cost studies prepared by BellSouth, whether or not filed with any state commission, supporting BellSouth's switch-as-is charges for the conversion of special access circuits to EELs.

DATA REQUEST NO. 16: Please provide copies of any and all cost studies prepared by BellSouth, whether or not filed with any state commission, supporting BellSouth's proposed

switch-as-is charges for the conversion of special access termination facilities to unbundled loops.

DATA REQUEST NO. 17: Please identify and provide copies of all documents concerning BellSouth's plans to conduct audits of CLECs' compliance with the EEL eligibility requirements set forth in 47 CFR § 51.318(b).

Respectfully submitted,



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Attorneys for XO Communications Services, Inc

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, overnight delivery, electronic transmission, or facsimile transmission to the following, this 17th day of August, 2005.

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